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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,420	12/11/2003	Winston Lee	MP0263	2013
44990	7590	08/03/2006	EXAMINER	
KENYON & KENYON LLP 333 W. SAN CARLOS STREET SUITE 600 SAN JOSE, CA 95110-2731				TRIMMINGS, JOHN P
ART UNIT		PAPER NUMBER		
		2138		

DATE MAILED: 08/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/734,420	LEE ET AL.	
	Examiner	Art Unit	
	John P. Trimmings	2138	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 21 July 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-6,8-21 and 23-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-6,8-21,23-27 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 11 December 2003 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

This office action is in response to the applicant's amendment dated 7/21/2006.

The applicant has amended claims 1 and 16.

The applicant has cancelled claims 7 and 22.

The applicant, in response to a restriction, withdrew claims 28-82.

Claims 1-27 are pending.

Response to Amendment

1. In view of claims 7 and 22 being cancelled, the examiner withdraws the rejections of said claims.

2. In regard to independent claims 1, 13 and 16, the applicant's arguments filed 7/21/2006 have been fully considered but they are not persuasive.

Background:

The referenced art of Au teaches a memory testing method and system in which memory testing is conducted at the operating frequency of the memory (using MBIST 116 of FIG. 3) until an error is detected. If a failure is identified, the location information is clocked out to a memory tester (the ATE referred to throughout the disclosure) at a lower, tester frequency. Discussion in Au discloses that an MBIST typically operates at 100 MHz, and the tester interfaces with the MBIST at 10 MHz. See also the Abstract, as well as column 3 lines 1-7 and column 8 lines 56-67 and column 9 lines 1-6 of Au. The

herein described teaching of Au anticipates the applicant's three independent claims 1, 13 and 16.

The examiner has rejected claims 1-4, 8-9, 13-19 and 23-24 under 35 USC 102(e) with Au, claims 5, 10, 11-12, 20 and 25-27 under 35 USC 103(a) with Au in view of Miner, and claims 6 and 21 under 35 USC 103(a) with Au in view of Teh. The argument presented by the applicant in the Remarks centered on Au, and in particular, to the limitations of the three independent claims 1, 13 and 16 rejected with Au.

Rebuttal:

In the Remarks, the applicant argues that Au fails to teach detecting failures at a higher frequency and receiving failure information at a lower frequency, and that neither Miner nor Teh remedy the deficiency of Au (page 19 of 20 of the Remarks). The examiner disagrees. Au explicitly teaches the detecting of failures in a MBIST (FIG. 3 116) operating at a higher frequency (see Abstract for example) and then reporting the failure to an ATE over a slower (see Abstract) JTAG interface (see FIG. 3).

Also, in response to the applicant stating that Miner fails to remedy the deficiency, the examiner would like to respond that Miner, in the disclosure and in FIG. 4 and FIG. 5 does indeed teach, in the prior art (FIG. 4) and in the improved invention (FIG. 5), the same argued limitations.

In view of the examiner's rebuttal above to the applicant's argument in re: claims 1, 13 and 16, the examiner maintains the rejections of said independent claims as outlined in the previous office action. Consequently, in view of their dependencies, the

same rejections of dependent claims 2-6, 8-12, 14-15, 17-21 and 23-27 outlined in the previous office action are also maintained.

In all, claims 1-6, 8-21 and 23-27 are maintained as being rejected.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John P. Trimmings whose telephone number is (571) 272-3830. The examiner can normally be reached on Monday through Thursday, 7:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert DeCady can be reached on (571) 272-3819. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2138

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



John P Trimmings
Examiner
Art Unit 2138

jpt


ALBERT DECADY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100